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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,895	07/11/2006	Junpei Natsui	4364.P0020US	7637

23474 7590 12/05/2008
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KALAMAZOO, MI 49008-1631

EXAMINER

WALKE, AMANDA C

ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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12/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,895	Applicant(s) NATSUI ET AL.	
	Examiner Amanda C. Walke	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 is/are rejected.
- 7) ☒ Claim(s) 4 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: It appears that the claim should be dependent upon claim 1 instead of claim 1. Appropriate correction is required.
2. Claim 6 is objected to because of the following informalities: Benzotriazol should be benzotriazole. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 2-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washisu et al (JP 10-324061 in view of its English language machine translation) in view of Kunita (6,875,557).

Washisu et al disclose a thermal recording material excellent in sensitivity, contrast, and imaging quality in detail about the record method of a sensitization thermal recording material. The material of the reference comprises a binder, photoinitiator meeting the instant claim limitations, optionally a compound such as a phenylsulfone (claims 4, 5), benzophenones, monomers, and various additional known components ([0063], [0095], [0122], [0124]). As organic cationic coloring matter which can be used by this invention, For example, cationic methine coloring matter, cationic carbonium coloring matter, cationic quinonimine dye, however the reference fails to specifically disclose a dye having the instantly claimed structure.

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Kunita disclose an IR sensitive material and teaches suitable dyes for use. The dyes are of structure similar to those described by the Washisu et al reference. Dyes CA 30 and CA 32 fall within the scope of the instant claims.

It would have been obvious to one of ordinary skill in the art to prepare the material of Washisu et al choosing to employ a known methine dye such as those disclosed by Kunita.

5. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham et al (5,952,152) in view of Kunita.

Cunningham et al disclose a borate initiator meeting the limitations of the instant claims in an IR sensitive material further comprising a methine dye (column 11), a benzotriazole compound, monomers, binders, UV absorbers such as benzophenones benzoates, and phosphites (columns 22-24), and solvents. The reference fails to specifically teach a dye of the instantly claimed structure.

Kunita disclose an IR sensitive material and teaches suitable dyes for use. The dyes are of structure similar to those described by the Cunningham et al reference. Dyes CA 30 and CA 32 fall within the scope of the instant claims.

It would have been obvious to one of ordinary skill in the art to prepare the material of Cunningham et al choosing to employ a known methine dye such as those disclosed by Kunita.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C. Walke whose telephone number is 571-272-1337. The examiner can normally be reached on M-R 5:30-4.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amanda C Walke
Primary Examiner
Art Unit 1795

/Amanda C Walke/
Primary Examiner, Art Unit 1795